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*State v. Grady Lane*, 166 N. C. 333; *Milo v. State*, 59 Tex. Cr. R. 196. As a result of the common law authorities, on its own analysis the court's conclusion in the principal case seems questionable, and there further appear to be no precedents which allow its holding to rest upon modern statutory decisions.

CRIMES—BIGAMY.—D, a married man, contracted a second marriage with a woman who was also already married. On a charge of bigamy, counsel raised the question whether D could be guilty of the crime charged "in view of the fact that the spouse of his second marriage could not have lawfully entered into the marriage." Held, that D was properly charged and convicted. *People v. Manfredonio* (1922), 191 N. Y. S. 748.

The court's construction of the bigamy statute is supported by the great weight of authority. BISHOP, STATUTORY CRIMES (Ed. 3), §§ 590-592; WHARTON, CRIMINAL LAW (Ed. 3), § 2020; 7 CORPUS JURIS, p. 1161. The English bigamy statute (which the American statutes have been modelled upon) is not clearly phrased, so that its construction has not been free from difficulty. "The verb 'to marry' and its participle, in the phrase 'if any person being married shall marry another,' etc., cannot have the same meaning in both places; but it denotes a valid marriage in the one and a void form in the other." BISHOP, *op. cit.*, § 590. See also the remarks of Cockburn, C. J., in *Reg. v. Allen*, L. R. 1, C. C. 367, 374, 375, 12 Cox C. C. 193. One court at least has held that the bigamous marriage must be one which would be good but for the existing marriage of the defendant. *Reg. v. Fanning*, 17 Ir. Com. Law 289, 10 Cox C. C. 411. On this construction of the statute the defendant in the principal case was not guilty of bigamy, for there was a reason why the marriage between himself and his second "wife" was void besides the fact that he was already married, viz., the fact that she was already married, too. However, the English cases and the great weight of the American authorities hold, as is stated in the principal case, that "Any person who is legally married and goes through a ceremony of marriage recognized by the law of this state with another person; whether she is able to enter into the marriage contract or not, is guilty of the crime of bigamy" (at p. 749). As regards the fundamental conception of bigamy, WHARTON (*op. cit.*, § 2020) thinks the gist of the offense is "in intrapping another into marital intercourse on a false plea." This view is manifestly too narrow; if it were correct, a full knowledge of the facts by the competent party at the moment when he enters into the bigamous marriage should be a conclusive answer to a prosecution for bigamy. For example, in the principal case neither party was "intrapped," because each party knew of his own marriage. But knowledge that the marriage entered into is bigamous is no defense; quite the opposite: if the competent party knows the facts he probably makes himself a party (accessory or principal depending on the statute) to the bigamous party's crime. BISHOP, *op. cit.*, §§ 591, 594; WHARTON, *op. cit.*, § 2019. Cockburn, C. J., makes what seems to the writer a correct and excellent statement of the policy of the bigamy statute in *Reg. v. Allen*, *supra*: "The ground on which such marriage is very properly made penal

is, that it involves an outrage on public decency and morals, and creates a public scandal, by prostitution of a solemn ceremony which the law allows to be applied only to a legitimate union, to a marriage at best but colorable and fictitious, and which may be made, and too often is made, the means of the most cruel and wicked deception."

**CRIMES—GRAND JURY—TIME FOR OBJECTING TO JURORS DISQUALIFIED.**—A state statute required that a juror be a person "not charged with any crime," etc. The defendant, convicted of murder and sentenced to be hanged, moved to quash the indictment on the ground that one of the members of the grand jury which found it was disqualified, being charged at the time with the commission of a crime. *Held*, the indictment must be quashed. *State v. Butler* (La., 1922), 90 So. 395.

According to 1 CHITTY, CRIMINAL LAW, 307, "It is perfectly clear that all persons serving upon the grand jury must be good and lawful men; by which it is intended that they must be liege subjects of the King, and neither aliens, nor persons outlawed even in a civil action, attainted of any treason or felony, or convicted of any species of *crimen falsi*, as conspiracy or perjury, which may render them infamous." If one of the grand jurors presenting an indictment was disqualified the indictment was held void, provided that the objection was raised before trial. After trial objections could be made only when the disqualification could be proved by the records of the court trying the case. See 2 HAWKINS P. C., ch. 25, sec. 26, Stat. 11, Henry IV; *United States v. Gale*, 109 U. S. 65. At the present time statutes ordinarily prescribe the qualifications necessary for grand jury service. See Iowa, Compiled Code 1919, § 6989, § 9303; Michigan, Compiled Laws 1915, § 12190, § 15708. Not infrequently they also provide as to when and how objections to parties disqualified must be made. See Iowa, Compiled Code 1919, § 9301, § 9303; Alabama, Code 1907, § 7572; 1909, p. 315, § 23. In the absence of statute, various rules have been adopted. In general, the defendant must take advantage of the first opportunity to object to disqualified jurors, and this may be by challenge, or by plea in abatement, or by motion to quash. See 2 KERR, WHARTON'S CRIMINAL PROCEDURE (Ed. 10), § 1277, § 1278; 2 BISHOP'S NEW CRIMINAL PROCEDURE, § 876, § 763, § 884. The great majority of American courts hold that pleading to the merits waives objections to grand jurors disqualified. *United States v. Gale*, *supra*; *State v. Carver*, 49 Me. 588; *State v. McGee*, 36 La. Ann. 206. See also *State v. Bush*, 117 La. 463. In *United States v. Gale*, *supra*, the court pointed out that allowing objections to the indictment to be raised after trial because of the disqualification of members of the grand jury would be "trifling with justice, and would render criminal proceedings a farce." A few courts, however, have allowed such objections even after trial. *Doyle v. State*, 17 Ohio 222.

**CRIMES—HOMICIDE—RIGHT TO KILL TO EJECT TRESPASSER.**—A dispute arose between deceased and defendant on defendant's land and defendant killed deceased. Defendant excepted to the refusal of the court to give the